

Defendants) except Sicor.

DATED: May 25, 2004

By Steve W. Berman, signature on file
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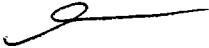
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CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **NOTICE OF WITHDRAWAL OF PLAINTIFFS' MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS CREATED DURING THE RELEVANT TIME PERIOD DIRECTED AT DEFENDANT SCHERING-PLOUGH** to be served on all counsel of record electronically on May 26, 2004, pursuant to Section D of Case Management Order No. 2.



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Exhibit A



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May 25, 2004

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Re: In re: Pharmaceutical Industry Average Wholesale Price Litigation MDL No. 1456

Dear Steve:

I write to confirm the agreement reached in our conversation this morning regarding your motion to compel against Schering-Plough and Warrick. In exchange for your withdrawal of the motion, we will produce invoice, chargeback, and rebate data for Schering's and Warrick's drugs in the AMCC from January 1, 1991 to March 31, 2004. We will also make available for inspection certain categories of responsive documents notwithstanding our objection to the "relevant time period" in the Omnibus Requests, but otherwise consistent with our objections to the Omnibus Requests and as previously agreed. These categories are as follows:

- Contracts and related correspondence with managed care organizations.
- Contracts and related correspondence for the sale of our oncology products.
- Sales representatives' call notes for the relevant drugs.
- Pricing correspondence with Publishers as previously agreed and through March 31, 2004.

Please contact either me or Christy Talley immediately if this is inconsistent with your understanding of our agreement. Thank you.

Sincerely,

John R. Therien

cc: John T. Montgomery, Esq.
Crystal D. Talley, Esq.